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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2011-20**

13 **KAREN CALVINA ELLIOTT**
10868 Avenue 412
Dinuba, California 93618

A C C U S A T I O N

14 **Registered Nurse License No. 612909**

15 Respondent.

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17 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the Interim
20 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
21 Affairs.

22 2. On or about January 31, 2003, the Board issued Registered Nurse License Number
23 612909 ("License") to Karen Calvina Elliott ("Respondent"). The License was in full force and
24 effect at all times relevant to the charges brought herein and will expire on February 28, 2011,
25 unless renewed.

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JURISDICTION

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811(b), the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

...

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

...

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.

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REGULATORY PROVISIONS

7. California Code of Regulations, title 16, section 1442, states:

As used in Section 2761 of the code, "gross negligence" includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

8. California Code of Regulations, title 16, section 1443, states, "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5"

COST RECOVERY

9. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUGS

10. "Norco," is a compound consisting of 10 mg. hydrocodone bitartrate, also known as dihydrocodeinone, a Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(4), and 325 mg. acetaminophen per tablet.

11. "Morphine," is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(M).

FIRST CAUSE FOR DISCIPLINE

(Falsified, Made Incorrect or Inconsistent Entries In Hospital or Patient Records)

12. Respondent is subject to discipline under Code section 2761(a), on the grounds of unprofessional conduct as defined in Code section 2762(e), in that while a registered nurse Respondent falsified, made grossly incorrect, grossly inconsistent or unintelligible entries in hospital or patient records in the following respects:

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1 **CLOVIS COMMUNITY MEDICAL CENTER**

2 **Patient 2:**

3 a. On or about February 23, 2007, at 2102 hours, while employed as a registered nurse
4 at Clovis Community Medical Center located in Clovis, California, Respondent signed out a 2
5 mg. injectable of Morphine. On or about February 24, 2007, at 0341 hours, it is documented on
6 the controlled substance log that Respondent administered 1 mg. of Morphine and wasted 1 mg.
7 of Morphine. However, Respondent failed to chart the administration of the Morphine on the
8 patient's Medication Administration Record ("MAR").

9 **Patient 4:**

10 b. On or about March 1, 2007, at 2214 hours, while employed as a registered nurse at
11 Clovis Community Medical Center located in Clovis, California, Respondent signed out two (2)
12 Norco tablets, but failed to account for the disposition of the Norco in the patient's MAR or in
13 any other any hospital or patient record.

14 **PALM VILLAGE RETIREMENT COMMUNITY**

15 **Patient A:**

16 c. On or about March 23, 2009, while employed as a registered nurse at Palm Village
17 Retirement Community, located in Reedley, California, Respondent signed out one (1) Morphine
18 tablet for administration to Patient A. Respondent indicated in Patient A's records that she had
19 administered the Morphine tablet to Patient A; however, Respondent actually took the Morphine
20 tablet for her own personal use.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Obtained, Possessed, and Self-Administered a Controlled Substance)**

23 13. Respondent is subject to discipline under Code section 2761(a), on the grounds of
24 unprofessional conduct as defined in Code section 2762(a), in that on or about March 23, 2009,
25 while employed as a registered nurse at Palm Village Retirement Community, located in Reedley,
26 California, Respondent obtained, possessed and self-administered Morphine, a controlled
27 substance, without direction from a licensed physician and surgeon, dentist or podiatrist and in
28

1 violation of law. Subsequently, on or about March 24, 2009, Respondent submitted a urine
2 sample for testing. The sample tested positive for Morphine.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Incompetence)**

5 14. Respondent is subject to discipline under Code section 2761(a)(1), on the grounds of
6 unprofessional conduct, in that while employed as a registered nurse at Palm Village Retirement
7 Community, located in Reedley, California, and Clovis Community Medical Center located in
8 Clovis, California, she was incompetent, as defined in California Code of Regulations, title 16,
9 section 1443, as more particularly set forth above in paragraphs 12 and 13.

10 **FOURTH CAUSE FOR DISCIPLINE**

11 **(Gross Negligence)**

12 15. Respondent is subject to discipline under Code section 2761(a)(1), on the grounds of
13 unprofessional conduct, in that while employed as a registered nurse at Palm Village Retirement
14 Community, located in Reedley, California, she was grossly negligent, as defined in California
15 Code of Regulations, title 16, section 1442, as more particularly set forth above in paragraphs 12
16 and 13.

17 **PRAYER**

18 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
19 and that following the hearing, the Board of Registered Nursing issue a decision:

- 20 1. Revoking or suspending Registered Nurse License Number 612909, issued to Karen
21 Calvina Elliott;
- 22 2. Ordering Karen Calvina Elliot to pay the Board of Registered Nursing the reasonable
23 costs of the investigation and enforcement of this case, pursuant to Business and Professions
24 Code section 125.3; and,

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1 3. Taking such other and further action as deemed necessary and proper.

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DATED:

7/7/10

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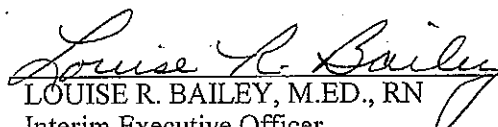
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LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant